

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIKE HUCKABEE, RELEVATE GROUP,
DAVID KINNAMAN, TSH OXENREIDER,
LYSA TERKEURST, and JOHN BLASE
*on behalf of themselves and all others
similarly situated,*

Plaintiffs,

v.

BLOOMBERG L.P. and BLOOMBERG
FINANCE, L.P.,

Defendants.

Case No. 1:23-cv-09152-MMG

ORAL ARGUMENT REQUESTED

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit this Notice of Supplemental Authority to alert the Court that on May 9, 2025, the United States Copyright Office (the “Office”) released Part 3 of its Report on Copyright and Artificial Intelligence, titled “Generative AI Training” (the “Report”).¹ See *Fox Television Stations, Inc v. Aereokiller, LLC*, 851 F.3d 1002, 1013 (9th Cir. 2017) (“it is clear the Copyright Office is entitled to at least *Skidmore* deference”). The Report was issued after briefing was complete on Defendant’s pending Motion to Dismiss Plaintiffs’ First Amended Complaint (ECF Nos. 86-87, 91, the “Motion”). The Report is relevant to the proposition that fair use is a fact intensive inquiry that should not be adjudicated on a motion to dismiss and rejects the argument that the use of copyrighted materials to train AI models is inherently transformative. A copy of the Report is attached as **Exhibit A**.

¹ The Report is designated “a pre-publication version” but also provides that the “final version will be published in the near future, without any substantive changes expected in the analysis or conclusions.”

Dated: May 30, 2025

Respectfully submitted,

/s/ Greg G. Gutzler

Seth Haines
Timothy Hutchinson
RMP, LLP
5519 Hackett St., Ste. 300
Springdale, AR 72762
Tel: (479) 443-2705
shaines@rmp.law
thutchinson@rmp.law

Scott Poynter
POYNTER LAW GROUP
4924 Kavanaugh Blvd.
Little Rock, AR 72207
Tel: (501) 812-3943
scott@poynterlawgroup.com

Greg G. Gutzler
DICELLO LEVITT LLP
485 Lexington Ave., 10th Floor
New York, NY 10017
Telephone: (646) 933-1000
Facsimile: (646) 494-9648
ggutzler@dicelloselevitt.com

Amy E. Keller
Adam J. Levitt
James A. Ulwick
Admitted Pro Hac Vice
Nada Djordjevic (*pro hac vice application
forthcoming*)
DICELLO LEVITT LLP
10 North Dearborn St., 6th Floor
Chicago, IL 60602
Tel. (312) 214-7900
alevitt@dicelloselevitt.com
akeller@dicelloselevitt.com
ndjordjevic@dicelloselevitt.com
julwick@dicelloselevitt.com

Counsel for Plaintiffs